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UNIVERSITY OF PHOENIX

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

UNITED STATES OF AMERICA, ex rel.  
MARY HENDOW and JULIE ALBERTSON,

Relators,

v.

UNIVERSITY OF PHOENIX and DOES 1-500,  
Inclusive,

Defendants.

CASE NO. CIV. S-03-0457 GEB DAD

**JOINT STIPULATION AND [PROPOSED]  
ORDER TO TEMPORARILY STAY  
ACTION, EXTEND TIME FOR  
DEFENDANT TO RESPOND TO  
COMPLAINT, AND ESTABLISH  
BRIEFING SCHEDULE AND OTHER  
PROCEDURES  
[E.D. Cal. Local Rules 83-143, 6-144]**

Place: Courtroom 10  
Judge: The Honorable Garland E. Burrell

1 Through this Joint Stipulation and [Proposed] Order, Relators Mary Hendow and Julie  
2 Albertson (“Relators”) and Defendant University of Phoenix (“Defendant”) agree to: (1) temporarily  
3 stay all proceedings in this case before this Court until December 20, 2006; (2) continue the deadline  
4 by which Defendant must initially respond to Relators’ Second Amended Complaint (“SAC”), by  
5 answer, motion, or otherwise, until December 20, 2006; (3) continue the deadline by which Relators  
6 must file an opposition, should Defendant file a motion as its initial response to the SAC, to no earlier  
7 than January 31, 2007, and schedule a hearing date consistent with that deadline; and (4) serve any  
8 filings immediately affected by this stipulation, including Defendant’s initial response to the SAC,  
9 Relators’ opposition to Defendant’s initial response, if necessary, and any replies thereto, if  
10 necessary, on the attorney of record for the opposing party via e-mail, which shall be deemed  
11 equivalent to personal service, to the extent permitted by the size of the filings. The parties hereby  
12 request that the Court approve this stipulation pursuant to Local Rules 83-143 and 6-144.

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**JOINT STIPULATION**

WHEREAS Relators filed the SAC on March 4, 2004.

WHEREAS this Court dismissed Relators' SAC with prejudice on May 20, 2004 and entered judgment in Defendant's favor.

WHEREAS the United States Court of Appeals for the Ninth Circuit reversed the judgment of this Court and issued its mandate on November 16, 2006.

WHEREAS Defendant intends to initially respond to the SAC by answer, motion, or otherwise.

WHEREAS the parties agree that all proceedings in this case before this Court should be temporarily stayed until December 20, 2006 to allow the parties adequate time to attempt to resolve the matter prior to Defendant initially responding to the SAC.

WHEREAS the parties agree that the deadline for Defendant to initially respond to the SAC, by answer, motion, or otherwise, should be extended to December 20, 2006 to allow the parties adequate time to attempt to resolve this matter and to allow Defendant additional time to prepare its initial response which is necessary in light of the complexity of the issues and the recent Thanksgiving holiday.

WHEREAS the parties agree that the deadline for Relators to file an opposition, should Defendant file a motion as its initial response to the SAC, should be no earlier than January 31, 2007, in light of the complexity of the issues and to accommodate the winter holidays.

WHEREAS the parties agree that service by e-mail, if possible, of Defendant's initial response to the SAC, any opposition filed by Relators, if necessary, and all related reply filings, if necessary, will assist the parties and may be deemed equivalent to personal service.

WHEREAS this Court has not granted any previous extensions of time to Defendant to respond to the SAC following issuance of the mandate by the United State Court of Appeals for the Ninth Circuit, nor for any other particular matters for which an extension is sought via this stipulation and proposed order.

1 ACCORDINGLY, pursuant to Local Rules 83-143 and 6-144, the parties, by and through  
2 their counsel of record, hereby stipulate to, **and request the Court's approval of the following:**

3 1. A temporary stay of all proceedings in this action before this Court until December  
4 20, 2006.

5 2. A continuation of the date by which Defendant must initially respond to Relators'  
6 SAC, by answer, motion, or otherwise, to December 20, 2006.

7 3. A continuation of the date by which Relators must file an opposition, should  
8 Defendant file a motion as its initial response to the SAC, to no earlier than January 31, 2007, and the  
9 scheduling of a hearing date consistent with this deadline.

10 4. Relators' and Defendant's counsel of record are to serve each other with any filings  
11 immediately affected by this stipulation, including Defendant's initial response to the SAC, Relators'  
12 opposition, if necessary, to Defendant's initial response, and any replies related thereto, if necessary,  
13 by e-mail, to the extent permitted by the filings' size, and such service shall be deemed equivalent to  
14 personal service.

15 IT IS SO STIPULATED.

16 DATED: November 29, 2006

BARTLEY LAW OFFICES  
DANIEL ROBERT BARTLEY

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18  
19 By: /s/ Daniel Robert Bartley (as authorized on November 29, 2006)  
Daniel Robert Bartley

20  
21 Attorney for Relators,  
MARY HENDOW & JULIE ALBERTSON

22  
23 DATED: November 30, 2006

STEVENS & O'CONNELL LLP  
BRAD BENBROOK

24  
25  
26 By: /s/ Bradley A. Benbrook  
Bradley A. Benbrook


27  
28 Attorney for Defendant,  
UNIVERSITY OF PHOENIX

**[PROPOSED] ORDER**

Pursuant to the parties' stipulation, all proceedings in this action before this Court are temporarily stayed until December 20, 2006; Defendant's initial response to Relators' Second Amended Complaint, whether by answer, motion, or otherwise, is due December 20, 2006; if Defendant initially responds to the Second Amended Complaint by motion rather than answer, the deadline by which Plaintiff must file an opposition to that motion shall be no earlier than January 31, 2007 and the parties shall schedule a hearing date consistent with such deadline; and Relators' and Defendant's counsel of record are to serve each other any filings immediately affected by this order, including Defendant's initial response to the Second Amended Complaint, Relators' opposition, if any, to Defendant's response, and any replies related thereto, by e-mail, to the extent permitted by the filings' size, and such service shall be deemed equivalent to personal service.

IT IS SO ORDERED.

DATED: November 30, 2006

  
GARLAND E. BURRELL, JR.  
United States District Judge

**DECLARATION OF SERVICE**

I, Michelle Vinson, hereby certify as follows:

I am employed in the County of Sacramento, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 400 Capitol Mall, Suite 1400, Sacramento, California, 95814-4498, in said County and State; I am employed in the office of Bradley A. Benbrook, a member of the bar of this Court, and at his direction, on November 30, 2006, I served the following:

**JOINT STIPULATION AND [PROPOSED] ORDER TO TEMPORARILY STAY ACTION, EXTEND TIME FOR DEFENDANT TO RESPOND TO COMPLAINT, AND ESTABLISH BRIEFING SCHEDULE AND OTHER PROCEDURES**

by providing a true copy thereof to each of the persons named below at the address and/or facsimile number, and by the means, shown:

**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY FACSIMILE:** From facsimile machine telephone number (916) 329-9110, on the above-mentioned date, I caused to be served a full and complete copy of the above-referenced document[s] by facsimile transmission to the person[s] at the number[s] indicated.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s), and all copies made from same, were printed on recycled paper, and that this Certificate of Service was executed by me on November 30, 2006, at Sacramento, California.

/s/ Michelle Vinson (original signature retained by attorney Bradley A. Benbrook)  
Michelle Vinson

**SERVICE LIST**

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